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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/088,094	06/13/2002	Youichi Hashimoto	020312	7145

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EXAMINER

MCCLLOUD, RENATA D

ART UNIT

PAPER NUMBER

2837

DATE MAILED: 05/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/088,094

Applicant(s)

HASHIMOTO, YOUICHI

Examiner

Renata McCloud

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because: Figures 3(a) and 3(b) should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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### ***Specification***

2. The disclosure is objected to because of the following informalities:

(a) "Figs. 2" should be "Fig. 2(a) and 2(b)" because there is not a "Fig. 2".

(b) "Fig3. 2" should be "Fig. 3(a) and 3(b)" because there is not a "Fig. 3".

Appropriate correction is required.

### ***Claim Objections***

3. Claims 1-4 are objected to because of the following informalities:

(a) Claims 1-3 are narrative in form and replete with indefinite and functional or operational language.

- Claim 1 recites, "is allowed to be specified by a user without a possibility".
- Claim 2 recites, "is allowed to be selected by a user".
- Claim 3 recites, "so as to prevent".

The structure which goes to make up the device must be clearly and positively specified. The structure must be organized and correlated in such a manner as to present a complete operative device. The claim(s) must be in one sentence form only. Note the format of the claims in the patent(s) cited.

(b) Claim 1 recites the limitations "the speed pattern preparation cycle" and "the speed data maximum value". There is insufficient antecedent basis for these limitations in the claim.

(c) Claim 3 recites the limitation "the decimal part". There is insufficient antecedent basis for this limitation in the claim.

(d) Claim 4 recites the limitations "the speed instruction pattern" and "the speed instruction cycle". There is insufficient antecedent basis for these limitations in the claim.

Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,2 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Swanson et al (U.S. Patent 4,469,993).

***Swanson et al teach :***

**Claim 1:** A dynamic optimizing method for speed data used for preparing a speed instruction pattern fed to a servo motor in a positioning device, wherein a speed pattern generator for calculating a desired speed pattern when a moving distance, speed, acceleration time and deceleration time are inputted is provided (Col. 3:55-4:5), and the speed pattern preparation cycle is specified by a user without the speed data maximum value and minimum resolution of the speed data changed (Col. 3:16-31).

**Claim 2:** a combination of the speed data maximum value and minimum resolution is allowed to be selected by a user (Col. 8:42-60).

**Claim 4:** A positioning device using a servo motor, comprising: a moving instruction input unit (Fig. 5:210), a speed pattern preparation unit for inputting a moving instruction from the moving instruction input unit (Fig. 5:200,246), a speed instruction unit for outputting a speed instruction based on the speed instruction pattern from the speed pattern preparation unit in accordance with the speed instruction cycle specified by a user (Fig.5: 210,240; Col. 6:57-63), and a servo control unit for driving the servo motor based on the speed instruction from the speed instruction unit (Fig. 5:190; Col. 6:67-7:5).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Swanson et al as applied to claim 1 above, in view of Busujima (U.S. Patent 4,968,923).

**Claim 3:** Swanson et al teach the limitations of claim 1 and referring to claim 3, a user specifies the speed pattern preparation cycle (e.g. Col. 8:42-60). They do not teach a decimal part of the speed data is shifted to the right or left. Busujima teaches a decimal part of the speed data being shifted to the right or left (Col. 5:35-40, rounding up a decimal part of the speed data). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus taught by Swanson et al to include a decimal part of the speed data being shifted to the right or left as taught by Busujima. The advantage of this would be a reduction in speed pattern errors.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Renata McCloud whose telephone number is (703) 308-1763. The examiner can normally be reached on Mon.-Thurs and every other Fri. from 8 am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Nappi can be reached on (703) 308-3370. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Renata McCloud  
Examiner  
Art Unit 2837

RDM  
May 2, 2003

  
**ROBERT E. NAPPI**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2800**